

Introduced by Senator Maldonado

February 11, 2009

An act to amend and repeal Section 11257 of the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

SB 141, as introduced, Maldonado. CalWORKs: property requirements.

Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families and individuals who meet specified eligibility criteria.

Existing law imposes limits on the amount of personal and real property an individual or family may possess in order to be eligible for aid under the CalWORKs program.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11257 of the Welfare and Institutions
- 2 Code, as amended by Section 28 of Chapter 1022 of the Statutes
- 3 of 2002, is amended to read:
- 4 11257. (a) To the extent not inconsistent with Sections
- 5 11265.1, 11265.2, 11265.3, and 11004.1, no aid under this chapter
- 6 shall be granted or paid for any child who has real or personal
- 7 property, the combined market value reduced by any obligations

1 or debts with respect to this property—of which exceeds one
2 thousand dollars (\$1,000), or for any child or children in one family
3 who have, or whose parents have, or the child or children and
4 parents have, real and personal property the combined market
5 value reduced by any obligations or debts with respect to this
6 property which exceeds one thousand dollars (\$1,000).

7 For purposes of this subdivision, real and personal property shall
8 be considered both when actually available and when the applicant
9 or recipient has a legal interest in a liquidated sum and has the
10 legal ability to make that sum available for support and
11 maintenance.

12 (b) Notwithstanding subdivision (a) above, an applicant or
13 recipient may retain the following:

14 (1) Personal or real property owned by him or her, or in
15 combination with any other person, without reference to its value,
16 if it serves to provide the applicant or recipient with a home. If the
17 basic home is a unit in a multiple dwelling, then only that unit
18 shall be exempt.

19 For the purposes of paragraph (1), if an applicant has entered
20 into a marital separation for the purpose of trial or legal separation
21 or dissolution, real property which was the usual home of the
22 applicant shall be exempt for three months following the end of
23 the month in which aid begins. If the recipient was receiving aid
24 when the marital separation occurred, the period of exemption
25 shall be three months following the end of the month in which the
26 separation occurs. To remain exempt following this three-month
27 period, the home must be occupied by the recipient, or be
28 unavailable for use, control, and possession due to legal
29 proceedings affecting a property settlement or sale of the property.

30 (2) Personal property consisting of one automobile with
31 maximum equity value as permitted by federal law.

32 (3) In addition to the foregoing, the director may at his or her
33 discretion, and to the extent permitted by federal law, exempt other
34 items of personal property not exempted under this section.

35 SEC. 2. Section 11257 of the Welfare and Institutions Code,
36 as amended by Section 1 of Chapter 569 of the Statutes of 1984,
37 is repealed.

38 ~~11257. (a) No aid under this chapter shall be granted or paid~~
39 ~~for any child who has real or personal property, the combined~~
40 ~~market value reduced by any obligations or debts with respect to~~

1 this property of which exceeds one thousand dollars (\$1,000), or
2 for any child or children in one family who have, or whose parents
3 have, or the child or children and parents have, real and personal
4 property the combined market value reduced by any obligations
5 or debts with respect to this property which exceeds one thousand
6 dollars (\$1,000).

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